

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: John A. Lowe :

Examiner: Cybille Delacroix-  
Muirheid

APPLICATION NO.: 09/007,268 :

Group Art Unit: 1654

FILING DATE: January 14, 1998 :

TITLE: Fluoroalkoxybenzylamino Derivatives :  
of Nitrogen Containing Heterocycles

Reply to Official Action

Commissioner for Patents  
Washington, D.C. 20231

Sir:

The present Reply is in response to the Examiner's Action of April 25, 2001 wherein by all pending claims (Nos 33-62) were indicated as being allowable, but for the filing of one or more Terminal Disclaimers. The Examiner's efforts on behalf of the application are appreciated and are hereby acknowledged.

Applicants attach herewith an appropriate Terminal Disclaimer in regard of the immediate parent application 08/167,881 (now U.S. Patent 5,773,450). A Fee Sheet therefor is also attached (in duplicate). It is believed that the application is now ready for allowance.

Referring to the Examiner's prior Action herein, mailed October 25, 1999, at pages 3-5 thereof, concerning double patenting, it is believed that a Terminal Disclaimer is no longer needed in regard of US Patents 5,232,929 and 5,688,804. In this regard, attention is directed to Applicants' Reply with Amendment herein (at page 12), mailed January 26, 2001, where the double patenting issue was addressed.

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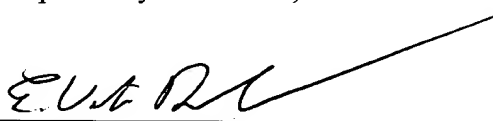
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Briefly, subsequent to October 25, 1999, the claims in the present application were limited to pharmaceutical compositions and methods of treatment pertaining to compounds that are the subject matter of the allowed claims of the 5,773,450 patent (the immediate parent herein, application serial No. 08/167,881). Essentially, all of the issues of prior art and double patenting that the Examiner has raised herein were either addressed during prosecution of the parent '450 patent, or are similarly obviated by the narrowing of subject matter provided by the amendments of record. Attention is particularly drawn to the Declaration under Rule 132 of Dr. John Lowe, the inventor herein, submitted July 1, 1997 during prosecution of the 08/167,881 parent application (now US 5,773,450). Patentability of the claims of that application, and this application, depend in large measure on the inventive recognition of the value of (C<sub>1</sub>-C<sub>10</sub>) alkoxy groups, substituted with from one to three fluorine atoms, at X<sup>1</sup>, X<sup>2</sup>, X<sup>3</sup> and as a substituent in R<sup>6</sup>, which is not a feature found in the prior art. The Examiner is requested to contact the undersigned if any issues remain with respect to the need for further Terminal Disclaimers.

Respectfully submitted,

Date: October 4, 2001

  
\_\_\_\_\_  
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Fee Sheet for Terminal Disclaimer

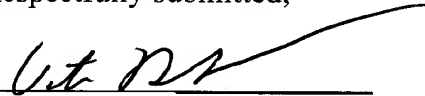
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Applicant hereby authorizes that the Petition Fee for acceptance of the Terminal Disclaimer be charged to **Deposit Account 16-1445**. The Fee is believed to be \$110.00; however, the Patent Office is authorized to charge any needed fee amount to the Deposit Account. A duplicate of this paper is attached.

Respectfully submitted,

Date: October 4, 2001

  
E. Victor Donahue  
Reg. No. 35,492  
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